

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLTON F. ANDERSON,
Petitioner,

v.

PENNSYLVANIA BOARD OF
PROBATION, et al.,
Respondents.

CIVIL ACTION

No. 07-311

MEMORANDUM/ORDER

February 16, 2009

Petitioner Carlton F. Anderson has filed a motion to proceed *in forma pauperis* in a suit filed pursuant to 28 U.S.C. § 2254 (habeas corpus). As required by 28 U.S.C. § 1915(a), the statute governing proceedings *in forma pauperis*, he has filed an affidavit in support of his request and enclosed a certified report of his prisoner trust fund account.

Petitioner's inmate account shows that he has a balance of \$152.93, and petitioner's affidavit indicates that he expects to receive a gift of \$75 each month. Thus, the \$5.00 filing fee petitioner seeks to have waived represents about 3% of his present assets. Petitioner further indicates in his affidavit that he has no regular monthly expenses. In view of these facts, I find that the payment of this court's \$5.00 filing fee would not be contrary to the spirit of § 1915. *Cf. United States ex rel. Irons v. Com. of*

Pa., 407 F.Supp. 746, 746 (M.D.Pa. 1976) (noting that the court’s “only concern at this nascent stage of the proceedings is to determine whether petitioner is financially unable to pay the \$5.00 fee otherwise necessary to commence a habeas proceeding”).

Accordingly, it is hereby ORDERED that Petitioner’s request to proceed *in forma pauperis* is DENIED.

BY THE COURT:

/s/ Louis H. Pollak, J.
Pollak, J.